

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee,

v

JAMES R. BELL,

Defendant-Appellant.

UNPUBLISHED

May 11, 1999

No. 207470

Wayne Circuit Court

Criminal Division

LC No. 94-005453

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant was sentenced to three years' probation, following his plea-based conviction of attempted uttering and publishing, MCL 750.92; MSA 28.287; MCL 750.249; MSA 28.446. Defendant subsequently pleaded guilty to violating the terms of his probation and received a sentence of two to five years' imprisonment. Defendant appeals as of right. We dismiss defendant's appeal. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's challenge to the proportionality of his sentence has been rendered moot by his service of the minimum sentence. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Dismissed.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski